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| 09/443,692 | 11/19/1999 | TAKESHI ANDO | 13191 | 7589 |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Continuation of 11: does NOT place the application in condition for allowance because:

Applicant argues (Remarks, page 3) the Tiedemann provides only "*one maximum rate that is applied to all transmission channels.*" Examiner respectfully disagrees. Tiedemann clearly discloses that a selector element 14 assigns **maximum scheduled transmission rates** for the scheduled users **at each frame in the scheduled users**. Further, Tiedemann Jr. et al. discloses that channel scheduler 12 dynamically adjusts the maximum scheduled transmission rate of the scheduled user at each frame **to fully utilize the capacity available** for each cell in the network (column 13, lines 1-11). The **maximum supportable** transmission for each cell can be calculated by multiplying the quantity on the right hand side of equation (2) with W/y (see column 11, lines 30-43; column 10, line 45). In addition, Tiedemann discloses that "**remote station 6 can also transmit a requested transmission rate to the cell... the requested transmission rate represents the maximum transmission rate which remote station 6 can support**" (column 11, line 44-52). Based on all of this, it can be concluded that the system of Tiedemann Jr. et al. does disclose that "*...each channel of the plurality of channel having a separate maximum transmission rate calculated as each channel's full transmission capability...*"

Still on page 3, Applicant argues that "*...channel scheduler 12 selects the minimum transmission rate from the list of maximum supportable transmission rates at step 220 (see: col. 11, line 65 through col. 12, line 4).... The selected minimum transmission rate is defined as the maximum scheduled transmission rate.* This is true only when the remote station is in soft handoff (see column 11, line 67). Further,

Applicant argues (Remarks, page 4) that unlike Applicant's claimed invention each

transmission channel in Tiedemann is not utilized at the fullest transmission rate capable.

Examiner respectfully disagrees. As pointed out above, Tiedemann clearly discloses

channel scheduler 12 dynamically adjusts the maximum scheduled transmission rate of

the scheduled user at each frame **to fully utilize the capacity available** for each cell in

the network.

On page 4, Applicant argues that *"Tanaka et al. fails to disclose or suggest*

*determining a maximum transmission rate for each of a plurality of transmission*

*channels fro a next scheduled transmission time slot for each the mobile station and*

*notifying each mobile station of the determined maximum transmission rate of each of the*

*plurality of transmission channels."* It respectfully submitted that the rejection is based

the combined teaching of the Tiedemann Jr. et al. patent and the Tanaka patent, and that

the Tiedemann Jr. et al. patent, as pointed out above, office action, does teach this

feature.

Examiner believes that the pending claims as they currently stand read in the

Tiedemann Jr. et al. and Tanaka references.


/S. T./

Examiner, Art Unit 2619

/Wing F. Chan/

Supervisory Patent Examiner, Art Unit 2619

7/15/08